



## Water Quality Division RULE CLARIFICATION

RC #: 005	Title: 18	Chapter: 9	Article: 3	Rule Citation: R18-9-A312(D)(4)
Date Issued: 2/20/01			Withdrawn or Superseded? No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Date:	
<b>Topic of Rule Needing Clarification:</b> Reserve disposal area requirement				
<b>Text of Rule Needing Clarification:</b>  R18-9-A312(D)(4): "A person designing the facility shall ensure that the on-site wastewater treatment facility has a reserve disposal field with an area equivalent to at least 100% of the original disposal field determined by subsections (D)(1) through (D)(3) to allow installation of a reserve field if the original disposal field cannot absorb all of the wastewater. A person shall not impair the usefulness of the reserve area by division of the property, construction of structures, or improvements on the property."				
<b>Question Needing Clarification:</b>  Engineering Bulletin 12 allowed the Department to exempt a lot in a subdivision from the reserve disposal area requirement if the subdivision existed prior to 1974. Does this still apply under the new rule?				
<b>Clarification of Rule:</b>  After adoption of its subdivision approval rules in 1974, ADEQ has approved on-site system subdivisions if lots within the proposed subdivision are large enough to accommodate both a primary and reserve disposal area. However, prior to 1974, many subdivisions were platted and approved with lots too small to accommodate a reserve disposal area. Because of the large number of pre-1974, small-lot subdivisions, ADEQ Engineering Bulletin 12 allowed the reserve area requirement to be waived so that an on-site system could be installed on the lot, thereby allowing the lot to be used by the owner as the platting intended. ADEQ's new rule does not address the issue of pre-1974 subdivisions with respect to primary and reserve disposal areas. However, ADEQ did not intend its new rule to prohibit construction of an operable on-site system on an unaltered lot in an approved subdivision. This clarification allows installation of an operable on-site system and disposal field and requires a replacement plan to be submitted to address possible future disposal field failure.  Therefore, as applicable to small unaltered (as platted) lots in subdivisions existing prior to 1974, the reserve area requirement specified in R18-9-A312(D)(4) may be satisfied as follows: 1) The site plan submitted with the Notice of Intent to Discharge by the applicant or applicant's agent shall show both the primary and reserve area. The reserve area may overlap or be coincident with the primary area. 2) The applicant or applicant's agent shall indicate a method of wastewater treatment and disposal acceptable to the reviewing agency that will be used if the primary disposal field fails (for example, options could include excavation and installation of an appropriately sized bed, or installation of an alternative system such as a Wisconsin mound, engineered pad, or textile filter). 3) The applicant or applicant's agent shall indicate any design measures proposed for the primary system that will facilitate installation of a replacement if needed (for example, wider spacing between trenches to aid construction of a replacement disposal field). 4) The reviewing agency shall include the following statement in the Provisional Verification of General Permit Conformance and Verification of General Permit Conformance:  <b>"Because of lot size limitations, if the disposal field approved herein fails, replacement by a disposal field of the same design likely will be impossible. The replacement system likely will have to consist of (<u>indicate method specified in #2 above</u>) or a system that gives equivalent performance. The replacement system likely will cost much more than the conventional system approved herein and will require more frequent maintenance for proper operation. To reduce the chance of failure of the primary disposal field and prolong system lifetime, the permittee is advised to perform more frequent and thorough maintenance on the system approved herein."</b>  NOTE: This rule clarification is limited to primary and reserve area requirements for the lot. Other provisions of the rule, including those regarding site investigation and system design and construction, remain the same.				